

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

IN RE: AUTHORIZING CONDUCTING General Order No. 20-6
CERTAIN CRIMINAL HEARINGS BY
VIDEO TELECONFERENCE OR TELEPHONE CONFERENCE
UNDER THE CORONAVIRUS AID, RELIEF, AND
ECONOMIC SECURITY ACT (CARES ACT), H.R. 748

**GENERAL PUBLIC ORDER REGARDING COVID-19 VIRUS PUBLIC
EMERGENCY—AUTHORIZING CONDUCTING CERTAIN CRIMINAL
HEARINGS BY VIDEO TELECONFERENCE OR TELEPHONE
CONFERENCE UNDER THE CORONAVIRUS AID, RELIEF, AND
ECONOMIC SECURITY ACT (CARES ACT), H.R. 748**

On March 27, 2020, the President of the United States signed into law the Coronavirus Aid, Relief, and Economic Security Act, (CARES Act), H.R. 748 (2020). Section 15002(b) of that Act provides for video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, for certain criminal proceedings if the Judicial Conference of the United States finds that emergency conditions caused by the COVID-19 outbreak will materially affect the functioning of either the federal courts generally or a particular district court, and the chief judge of a court covered by that finding authorizes video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available.

On March 29, 2020, on the joint recommendation of the chairs of the Committee on Court Administration and Case Management and the Committee on Rules of Practice and Procedure, the Judicial Conference of the United States found, under the CARES Act, that emergency conditions due to the

national emergency declared by the President under the National Emergencies Act (50 U.S.C. §§1601, *et seq.*) with respect to COVID-19 have materially affected and will materially affect the functioning of the federal courts generally.

As chief judge, and under Section 15002(b)(1) of the CARES Act, the undersigned authorizes the use of video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, for the following events listed in Section 15002(b)(1) of the CARES Act:

- Detention hearings under 18 U.S.C. §3142;
- Initial appearances under Fed. R. Crim. P. 5;
- Preliminary hearings under Fed. R. Crim. P. 5.1;
- Waivers of Indictment under Fed. R. Crim. P. 7(b);
- Arraignments under Fed. R. Crim. P. 10;
- Probation and supervised revocation proceedings under Fed. R. Crim. P. 32.1;
- Pretrial release revocation proceedings under 18 U.S.C. §3148;
- Removal proceedings under Fed. R. Crim. P. 40;
- Misdemeanor pleas and sentencing under Fed. R. Crim. P. 43(b)(2); and
- Proceedings under 18 U.S.C. § 403 (commonly known as the “Federal Juvenile Delinquency Act”), except for contested transfer hearings and juvenile delinquency adjudication or trial proceedings.

Under Section 15002(b)(4), the video teleconferencing or telephone conferencing authorized above may take place only with the consent of the defendant, or the juvenile, after consultation with counsel.

As chief judge, and under Section 15002(b)(2), the undersigned also specifically finds that felony pleas under Fed. R. Crim. P. 11 and felony sentencing under Fed. R. Crim. P. 32 cannot be conducted in person without seriously jeopardizing public health and safety. If the district judge in a

particular case finds, for specific reasons, that a felony plea or sentencing in that case cannot be further delayed without serious harm to the interests of justice, that judge may, with the consent of the defendant after consultation with counsel, conduct the felony plea or sentencing by video teleconference, or by telephone conference if video teleconferencing is not reasonably available.

Under Section 15002(b)(3) of the CARES Act, this authorization will remain in effect for ninety (90) days unless terminated earlier as described in Section 15002(b)(5). If the emergency authority has not been terminated ninety (90) days from the entry of this order, the undersigned will review this authorization and determine whether to extend it.

Dated in Milwaukee, Wisconsin this 29th day of March, 2020.

BY THE COURT:



HON. PAMELA PEPPER
Chief United States District Judge